

**Agenda Item \_\_\_\_\_**

**Arkansas Game and Fish Commission**

Wildlife Management Division

November 20, 2009

**Proposed 2009-2010 Flood Prone Region F Restriction Emergency Revision**

Presented by David Goad

The recent flood event and subsequent closing of many of our flood prone zones have prompted a review of existing zone structure and criteria for closing and opening zones. After careful review we have discovered an issue that needs an immediate fix. Flood prone zone F is controlled by two gauges, St. Charles on the White River and the Norrell Lock and Dam gauge at the end of the shipping canal. Criteria for both gauges have to be reached for closing and opening. The gauge at St. Charles is located on a stretch of the White River that is constricted by a long levee along highway 1 near St. Charles, Arkansas where water behind the levee bottlenecks and doesn't drop in a timely manner. Flood prone zone F should be controlled only by the gauge at the Norrell Lock and Dam and the St. Charles gauge criteria should be eliminated immediately. A minute order for your approval is provided.

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**David Goad, Chief**

Wildlife Management Division

# Proposed 2009-2010 Flood Prone Region F Restriction Emergency Revision

Proposed Changes - Red Ink

05.06

11-09

## **FLOOD PRONE REGIONS**

**FLOOD PRONE REGION A** – Beginning at the junction of Hwy 1 and U.S.

Hwy 63; south on Hwy 1 to Hwy 64; west on U.S. Hwy 64 to U.S. Hwy 49; north on U.S. Hwy 49 to Hwy 42; west on Hwy 42 to Hwy 37; north on Hwy 37 to Hwy 14; east on Hwy 14 to Hwy 37; north on Hwy 37 to Hwy 18; west on Hwy 18 to Hwy 384; east on Hwy 384 to U.S. Hwy 67; north on U.S. Hwy 67 to the Hwy 230; east on Hwy 230 to Hwy 91; south on Hwy 91 to Hwy 18; south on Hwy 18 to Hwy 226; east on Hwy 226 to U.S. Hwy 49; north on U.S. Hwy 49 to U.S. Hwy 63; south on U.S. Hwy 63 Hwy 1.

**Conditions for Closing:** Flood Prone Region A will be closed to all deer hunting when the Cache River gauge at Patterson reaches 12 feet. This restriction shall be lifted when the Cache River gauge at Patterson falls to or below 11 feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION B** - Beginning at the junction of Hwy 17 and U.S.

Hwy 67; south on U.S. Hwy 67 to Hwy 36; east on Hwy 36 to Hwy 323; south on Hwy 323 to Hwy 11; south on Hwy 11 to Hwy 38; east on Hwy 38 to Hwy 33; north on Hwy 33 to Hwy 17; north on Hwy 17 to U.S. Hwy 67.

**Conditions for Closing:** Flood Prone Region B will be closed to all deer hunting when the White River gauge at Augusta reaches 31 feet. This restriction will be lifted when the White River gauge at Augusta falls below 30 feet and the White River gauge at Georgetown falls to or below 19 feet. **BOTH CONDITIONS MUST EXIST AT THE SAME TIME FOR THE REGION TO BE OPENED.** Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION C** - Beginning at the junction of U.S. Hwy 49 and

Hwy 38; west on Hwy 38 to Hwy 33; north on Hwy 33 to U.S. Hwy 64; west on U.S. Hwy 64 to Hwy 33; north on Hwy 33 to Hwy 17; north on Hwy 17 to U.S. Hwy 67; north on U.S. Hwy 67 to Hwy 384; east on Hwy 384 to Hwy 18; east on Hwy 18 to Hwy 37; south on Hwy 37 to Hwy 14; west on Hwy 14 to Hwy 37; south on Hwy 37 to Hwy 42; east on Hwy 42 to U.S. Hwy 49; south on U.S. Hwy 49 to Hwy 38.

**Conditions for Closing:** Flood Prone Regions C will be closed to all deer hunting when the Cache River gauge at Patterson reaches 11 feet. This restriction shall be lifted when the Cache River Gauge at Patterson falls to or below 9.5 feet.

Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION D** – Beginning at the junction of Hwy 11 and Hwy 38; east on Hwy 38 to U.S. Hwy 49; south on U.S. Hwy 49 to U.S. Hwy 70; west on U.S. Hwy 70 to Hwy 302; west on Hwy 302 to U.S. Hwy 79; south on U.S. Hwy 79 to Hwy 33; north on Hwy 33 to U.S. Hwy 70; west on U.S. Hwy 70 to Hwy 11; north on Hwy 11 to Hwy 38.

**Conditions for Closing:** Flood Prone Region D will be closed to all deer hunting when the White River gauge at Clarendon reaches 28 feet. This restriction will be lifted when the White River Gauge at Clarendon falls to or below 27 feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION E** - Beginning at the junction of Hwy 1 and Hwy 153; north on Hwy 153 to Hwy 33; north on Hwy 33 to U.S. Hwy 79; north on U.S. Hwy 79 to Hwy 86; south on Hwy 86 to Hwy 17; south on Hwy 17 to Hwy 1; north on Hwy 1 to Hwy 316; east on Hwy 316 to Hwy 318; east on Hwy 318 to Hwy 20; east on Hwy 20 to Hwy 44; south on Hwy 44 to Phillips County Road 533; west on Phillips County Road 533 to Phillips County Road 529; north on Phillips County Road 529 to Phillips County Road 514; west on Phillips County Road 514 to the White River Levee; south on the White River Levee to the pipe line right of way; west on the pipe line right of way to Ethel County Road; west on Ethel County Road to Hwy 17; north on Hwy 17 to Hwy 1; west on Hwy 1 to Hwy 153.

**Conditions for Closing:** Flood Prone Region E will be closed to all deer hunting when the White River gauge at St. Charles reaches 26 feet. This restriction will be lifted when the White River gauge at St. Charles falls to or below 23.5 feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION F** - Beginning at the junction of Hwy 44 and Tichnor Blacktop County Road at Tichnor; west on Hwy 44 to the right of way on the north/south power line; north then northwest on the power line right of way to Arkansas Hwy 17; north on Hwy 17 to Hwy 152; east on Hwy 152 to the pipe line right of way; northeast on the pipe line right of way to Hwy 17; north on Hwy 17 to Ethel; east on Ethel County Road to the pipe line right of way; east on the pipe line right of way to the White River Levee; north on the White River Levee to Phillips County Road 514; east on Phillips County Road 514 to Phillips County Road 529; south on Phillips County Road 529 to Phillips County Road 533; east on Phillips County Road 533 to Hwy 44; south on Hwy 44 to Hwy 85 at Crumrod; south on Hwy 85 to County Road 76; northeast on County Road 76 to the Mississippi River levee; southeast on the Mississippi River levee to the west line of Section 31, T7S, R2E; then south on the west line of Section 31, T7S, R2E to

the west line of Section 6, T8S, R2E; south on the west line of Section 6, T8S, R2E to the Arkansas-Mississippi State line; south on Arkansas-Mississippi State line to the mouth of the White River; upstream on the main channel of the White River to the White River Cut Off; southwest on the White River Cut Off to the Arkansas River; upstream on the main channel of the Arkansas River to the west line of Section 29, T8S, R2W; north on the west line of Section 29, T8S, R2W to West Medina Lane County Road; southeast on West Medina Lane County Road to Nady County Road; northeast on Nady County Road to Tichnor Blacktop Road; north on Tichnor Blacktop Road to Hwy 44.

**Conditions for Closing:** Flood Prone Region F will be closed to all deer hunting when the ~~White River gauge at St. Charles reaches 23.5 feet and the~~ gauge at Lock and Dam #1 on the Arkansas River has reached 145 feet MSL. ~~BOTH CONDITIONS MUST EXIST AT THE SAME TIME FOR THE REGION TO BE CLOSED.~~ This restriction will be lifted when the ~~White River gauge at St. Charles falls to or below 21.5 feet and the~~ gauge at Lock and Dam #1 on the Arkansas River falls to or below 143 feet MSL. ~~BOTH CONDITIONS MUST EXIST AT THE SAME TIME FOR THE REGION TO BE OPENED.~~ Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION G** - Beginning at the main channel of the Mississippi River at the Helena Bridge and U.S. Hwy 49; north on U.S. Hwy 49 to Hwy 20; west on Hwy 20 to Hwy 44; west on Hwy 44 to Hwy 85; south on Hwy 85 to County Road 76; northeast on County Road 76 to the Mississippi River Levee; southeast on the Mississippi River Levee to the west line of Section 31, T7S, R2E; south on the west line of Section 31, T7S, R2E to the west line of Section 6, T8S, R2E; south on the west line of Section 6, T8S, R2E to the Arkansas-Mississippi State line; north on the Arkansas-Mississippi State line to the Mississippi River bridge at Helena on U.S. Hwy 49.

**Conditions for Closing:** Flood Prone Region G will close to all deer hunting when the Mississippi River gauge at Helena reaches 44 feet. This restriction shall be lifted when the Mississippi River gauge at Helena falls to or below 42 feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION H** - Beginning at the junction of Hwy 44 and Tichnor Blacktop Road at Tichnor; south on Tichnor Blacktop Road to Nady County Road; southwest on Nady County Road to west Medina Lane County Road; northwest on west Medina Lane County Road to the west line of Section 29, T8S, R2W; south on the west line of Section 29, T8S, R2W to the main channel of the Arkansas River; downstream (southeast) on the

main channel of the Arkansas River to the White River Cut Off; northeast on the White River Cut Off to the main channel of the White River; downstream (southeast) on the main channel of the White River to the Arkansas-Mississippi State line; southwest on the Arkansas-Mississippi State line to the Mississippi Old River Chute on the north end of Ashbrook Island; southwest on the Mississippi Old River Chute to the transfer canal for the Connelly Bayou Pumping Plant; southwest on the transfer canal to the Connelly Bayou Pumping Plant and Connelly Bayou; southwest on Connelly Bayou to the junction of Hwy 144; west on Hwy 144 to Hwy 257; north on Hwy 257 to U.S. Hwy 65; north on U.S. Hwy 65 to Hwy 1 at McGehee; north on Hwy 1 to the junction of U.S. Hwy 165; north on U.S. Hwy 165 to Hwy 44; west on Hwy 44 to the junction of Hwy 44 and Tichnor Blacktop Road.

**Conditions for Closing:** Flood Prone Region H will close to all deer hunting when the Mississippi River gauge at Arkansas City reaches 37 feet. This restriction shall be lifted when the Mississippi River gauge at Arkansas City falls to or below 35 feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

**FLOOD PRONE REGION I** - Beginning at the Arkansas-Louisiana State line and U.S. Hwy 65; north on U.S. Hwy 65 to Hwy 257; south on Hwy 257 to Hwy 144; east on Hwy 144 to Connelly Bayou; northeast on Connelly Bayou to the Connelly Bayou Pumping Plant and the pumping plant transfer canal; northeast on the transfer canal to the Mississippi Old River Chute; northeast up the Mississippi Old River Chute to the Arkansas-Mississippi State line; southwest along the Arkansas-Mississippi State line to the Arkansas-Louisiana State line; west along the Arkansas-Louisiana State line to its intersection with U.S. Hwy 65 on the Arkansas-Louisiana State line.

**Conditions for Closing:** Flood Prone Region I will close to all deer hunting when the Mississippi River gauge at Greenville reaches 48 feet. This restriction shall be lifted when the Mississippi River gauge at Greenville falls to or below 46 feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ [www.agfc.com](http://www.agfc.com).

## FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

**DEPARTMENT:** Arkansas Game & Fish Commission

**DIVISION:** Wildlife Management

**PERSON COMPLETING THIS STATEMENT:** David Goad

**TELEPHONE #:** 501-223-6362 **FAX #:** 501-223-6452

**EMAIL:** cdgoad@agfc.state.ar.us

**SHORT TITLE OF THIS RULE:** Proposed 2009-2010 Flood Prone Region F  
Restriction Emergency Revision.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: No: X
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: X If "Yes", please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue	\$ N/A
Federal Funds	\$ N/A
Cash Funds	\$ N/A
Special Revenue	\$ N/A
Other (Identify)	\$ N/A
Total	\$ N/A

**Next Fiscal Year**

General Revenue	\$ N/A
Federal Funds	\$ N/A
Cash Funds	\$ N/A
Special Revenue	\$ N/A
Other (Identify)	\$ N/A
Total	\$ N/A

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

**Current Fiscal Year:** \$ N/A

**Next Fiscal Year:** \$ N/A

**Party Subject to Rule:** N/A

**Effect on Party Subject to Rule:** N/A

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

**Current Fiscal Year:** \$ N/A

**Next Fiscal Year:** \$ N/A

**Financial Benefit to Agency:** N/A

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: ☒

Why were such alternatives not proposed:

7. Compare this rule with federal and state counterparts:

ITEM NO. \_\_\_\_\_

Arkansas Game and Fish Commission  
Little Rock, Arkansas

MINUTE ORDER NO:	_____	SUBJECT:	Emergency Amendment of AGFC
DATE PASSED:	November 20, 2009		Code 05.06 - Flood Prone Region F
PAGE	1	of	2
PAGES	_____		
LOCATION:	Arkansas, Desha, Phillip Counties		
_____			

**WHEREAS,** the Arkansas Game and Fish Commission previously has adopted provisions in AGFC Code 05.06 for specific Flood Prone Regions in the state to provide prompt protection for wildlife when extreme flooding occurs. However, the Commission and its staff have been mindful that the process for delineating these different regions, identifying reliable water gauge criteria, and then regulating the opening and closing of the regions based upon actual flood conditions requires frequent monitoring and re-evaluation; and

**WHEREAS,** during October and early November 2009, major portions of the state, particularly along the Arkansas, Black, White, and Mississippi Rivers in eastern Arkansas, have been subjected to extensive flooding due to heavy rainfall and high river conditions; and

**WHEREAS,** wildlife, including white-tailed deer, living in these areas have been forced to move to higher ground, where they can become concentrated and more vulnerable to being hunted and over-harvested; and

**WHEREAS,** after recent events, the Commission Wildlife Management Division staff has determined that the current White River elevation criteria identified in AGFC Code 05.06 for Flood Prone Region F is problematic and should no longer be used, and that agency decisions for opening and closing this region should be based upon information reliably obtained from gauge measurements at Lock and Dam #1 on the Arkansas River; and

**WHEREAS,** the Commission has carefully reviewed and approved the attached revision of AGFC Code 05.06 for Flood Prone Region F and also has determined that the failure to timely adopt this regulation change could have an adverse effect upon white-tailed deer management in Region F, as well as other possible adverse impacts.



**NOW, THEREFORE, BE IT ORDERED**, this 20<sup>th</sup> day of November 2009, that in view of the imminent peril to the wildlife resources of this state, the Arkansas Game and Fish Commission declares that an emergency exists and hereby approves and adopts the attached regulation, effective immediately, which regulation shall remain in effect for a period of one-hundred twenty (120) days and then shall terminate.

**BE IT FURTHER RESOLVED** that the Commission authorizes staff to proceed with making the appropriate AGFC Code Book revisions and legal certification to the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research in accordance with applicable law.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>	
<b>Submitted by:</b>	_____	_____	_____
	David Goad	Chairman	Commissioner
<b>Division:</b>	_____	_____	_____
	Wildlife Management	Vice Chairman	Commissioner
<b>Approved:</b>	_____	_____	_____
	Director	Commissioner	Commissioner
<b>Approved:</b>	_____	_____	
	Legal	Commissioner	
<b>Approved:</b>	_____		
	Fiscal		